

CITY OF MESA

MINUTES OF THE PLANNING HEARING OFFICER

Held in the City of Mesa Planning Division Conference Room
20 East Main Street, Suite 130
Date June 5, 2008 Time 1:30 p.m.

HEARING OFFICER

William "Bill" Petrie

STAFF PRESENT

Dorothy Chimel
Rob Dmohowski
Maria Salaiz

OTHERS PRESENT

Dan O'Lonna
David Jaeckels
Kevin Kerpan

The Planning Hearing Officer (PHO) Bill Petrie welcomed everyone present and approved the minutes of the May 1, 2008, hearing as submitted.

Before adjournment at 2:12 p.m., action was taken on the following item(s):

Zoning Cases: Z08-33, Z08-34, Z08-35, Z08-36, Z08-37, Z08-38.

Preliminary Plat(s): "Riggs Circle Condominiums"

The public hearing was recorded on Flash Card one and track titled PHO 6.5.08.

MINUTES OF THE JUNE 5, 2008 PLANNING HEARING OFFICER HEARING

Item: **Z08-37 (District 6)** 1823 South Greenfield Road (1.10± ac), 1919 South Greenfield Road (0.86± ac), 4450 East Baseline Road (0.89± ac). Located north of Baseline Road and east of Greenfield Road. Site Plan Modification. This request will allow the development of three multi-tenant commercial shops. Walter L. Brown, Manager, Diversified Partners, owner; Kevin Kerpan, Robert Kubicek Architects & Associates, Inc., applicant; William H. Standage, Standage & Associates, Ltd., engineer.

Comments: Rob Dmohowski, Planner I, stated this request is to allow the development of three multi-tenant buildings in the Greenfield Plaza II, Lots 3,5, and 7; he added that Lots 3 and 5 would include a drive thru lane and Lot 7 would be a multi-tenant shop. He noted that the footprint of the buildings are larger than previously approved and meet all Zoning Ordinance requirements. He stated that the increased size of the buildings has decreased the parking, but does meet Code and that the applicant has met the citizen participation requirements, adding that he received a phone call from M&I bank asking about the modifications. He noted that the Design Review Board approved the project on June 4, 2008, and staff is recommending approval with conditions.

Kevin Kerpan, Robert Kubicek Architects, applicant, stated that the three buildings are bigger than what was previously approved and they have parking to support each lot. He stated they've also added drive thru lanes on Lots 3 and 5 and the developer is ready to move forward.

PHO Petrie asked if the service doors would be used for loading and unloading to the individual suites and if a parking study was completed for the overall center. Mr. Kerpan responded that they are fire exits and no loading or unloading will take place. He stated that a parking study was done, but they did not include that data, but each parcel meets parking code. Discussion ensued regarding the construction of the site and users.

Dorothy Chimel, Principal Planner, commented that there are two conditions that typically are applied that would ensure that the parking and landscaping are constructed. She referred to the "Standard Language for Typical Conditions of Approval", in the Appendix section, and read Conditions # 9 and 10, which would address PHO Petrie's concerns and could be added. Discussion ensued regarding parking and the "Standard Language for Typical Conditions of Approval".

Mr. Kerpan stated he was fine with the added conditions.

The Planning Hearing Officer **approved** zoning case Z08-37 and added Condition #7, that corresponds to stipulation #10 of the Appendix, "Standard Language for Typical Conditions of Approval", conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary elevations submitted as approved by the Design Review Board, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication whichever comes first.
5. All street improvements and street frontage landscaping to be installed in the first phase of construction.
6. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
7. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.

Reason for Recommendation: This project appears to be well designed, meets the General Plan and has an over abundance of parking.

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Item: **Z08-38 (District 6)** 4325 E Southern Avenue. Located west of Greenfield Road on the south side of Southern Avenue (1.47± ac). Site Plan Modification. This request will allow for the development of a credit union. Sterling Nielsen, Mountain America Credit Union, owner; Jeff Lisiecki BCI, Inc., applicant; Ryan H. Raab, P.E. Hoskin-Ryan Consultants, Inc, engineer.

Comments: Rob Dmohowski, Planner I, stated this request would allow for the development of a Mountain America Credit Union. The building will include four drive-thru lanes, as well as a drive thru ATM, and parking is more than adequate. He briefly explained the request, adding that the applicant has completed the citizen participation requirement and the project is in conformance with the General Plan. He stated that staff had concerns with the lack of a pedestrian connection to the CVS pharmacy to the east; adding that the previous approved site plan designated a connection through the landscape median. He mentioned that a connection was going to be incorporated to the adjacent multi-residence townhome subdivision, currently being developed.

Mr. Dmohowski stated that the Design Review Board (DRB) approved this project on June 4, 2008 and the applicant is willing to provide the pedestrian connection to the CVS pharmacy, but that the connection to the townhome project is not feasible at this time because of an existing 6' concrete wall. He stated that DRB added a condition to provide a pedestrian connection to the CVS pharmacy, and recommended that they contact the owner of the townhome to coordinate a pedestrian path, which would be unlikely due to the existing wall. He noted that the project adheres to the Zoning Ordinance requirements, is well designed and a good transition to the adjacent residential areas and staff is recommending approval with conditions.

David Jaeckels, Executive Vice President, BCI Inc., 757 N. Broadway, Milwaukee, WI., applicant, stated that the owners were concerned with the drive thru traffic and they would like to modify the sidewalk to go to the south side of the ATM for pedestrian safety. He mentioned that the 6' wall is in place and that there is a sidewalk connection from Southern to the residential development.

PHO Petrie had concerns with the landscaping of the CVS site and the pedestrian walkway, which would empty into a parking lot. Discussion ensued regarding the location for the pedestrian connection.

Mr. Dmohowski stated that the pedestrian connection was part of the CVS approved site plan, which they neglected to include during development.

PHO Petrie stated he did not see a good location for the pedestrian connection, which would cut through the queuing line for the ATM. He moved to approve zoning case Z08-38 with the elimination of Condition #7, regarding the pedestrian connection.

The Planning Hearing Officer **approved** zoning case Z08-38 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary elevations submitted as approved by the Design Review Board, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication whichever comes first.
5. All street improvements and street frontage landscaping to be installed in the first phase of construction.

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6. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
7. Recordation of a cross-access easement with the parcel adjacent to the east.

Reason for Recommendation: PHO Petrie stated that the project is in conformance with the General Plan and is a very attractive building.

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MINUTES OF THE JUNE 5, 2008 PLANNING HEARING OFFICER HEARING

Item: **Z08-33 (District 5)** 8348 East Plymouth. Located west of Hawes Road north of McDowell Road (1.01+ acres). Rezone from Maricopa County R1-35 to City of Mesa R1-35. For the establishment of City of Mesa zoning on recently annexed property. Brian and Carrie Rogerson, owners; City of Mesa, applicant.

Comments: Dorothy Chimel, Principal Planner, stated that per State Statute the City of Mesa, needs to find a comparable zoning district to the County's, therefore, this request is to rezone to City of Mesa R1-35 zoning designation. She explained that the conditions of approval would ensure that all City standards would be met.

Bill Petrie, PHO, asked if Plymouth was a dedicated public street or an easement. Ms. Chimel responded that by looking at the land map it appears it was a private access easement to the lots that do not have frontage, which is not unusual. Discussion ensued regarding dedication of right-of-way.

The Planning Hearing Officer approved and recommends to the City Council **approval** of zoning case Z08-33 conditioned upon:

1. Compliance with all City development codes and regulations.
2. Future review of development per Zoning Ordinance requirements.

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Item: **Z08-34 (District 5)** 8132 East Culver Street. Located west of Hawes Road south of McDowell Road (1.13+ acres). Rezone from Maricopa County R1-35 to City of Mesa R1-35. For the establishment of City of Mesa zoning on recently annexed property. Thomas and Cathleen Kane, owners; City of Mesa, applicant.

Comments: Dorothy Chimel, Principal Planner, noted that this site has an existing house and this request is to rezone to City of Mesa R1-35 zoning designation; adding that the request for annexation was due to utility services that the City could provide. She explained that the conditions of approval would ensure that all City standards would be met.

PHO Petrie asked if the large building towards the rear of the lot belonged to this lot or the adjacent lot and if it was permitted in the County or the City. Ms. Chimel responded that she was not sure but stated that the planner, Joy Spezeski, who worked on the staff report, was very diligent in looking at County records and making sure that everything was done correctly.

The Planning Hearing Officer approved and recommends to the City Council **approval** of zoning case Z08-34 conditioned upon:

1. Compliance with all City development codes and regulations.
2. Future review of development per Zoning Ordinance requirements.

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MINUTES OF THE JUNE 5, 2008 PLANNING HEARING OFFICER HEARING

Item: **Z08-35 (District 6)** The 6900 block of South Ellsworth Road (east side). Located south of Pecos Road and east of Ellsworth Road (0.01+ acres). Rezone from Maricopa County Rural-43 to City of Mesa R1-43. For the establishment of City of Mesa zoning on recently annexed property. Williams Gateway Airport Authority, owner; City of Mesa, applicant.

Comments: Dorothy Chimel, Principal Planner, noted her astonishment in bringing this 100th of an acre case forward. She stated that this tiny sliver of land along Ellsworth Road complies with all State and City requirements and staff is recommending approval with conditions.

PHO Petrie asked if the 10' strip was from an old strip annexation. Ms. Chimel stated that the City and County were not willing to do an IGA for Ellsworth Road and that is exactly what happened.

The Planning Hearing Officer approved and recommends to the City Council **approval** of zoning case Z08-35 conditioned upon:

1. Compliance with all City development codes and regulations.
2. Future review of development per Zoning Ordinance requirements.

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MINUTES OF THE JUNE 5, 2008 PLANNING HEARING OFFICER HEARING

Item: **Z08-36 (District 6)** The 6800 to 6900 block of South Ellsworth Road (west side). Located south of Pecos Road and west of Ellsworth Road (0.08+ acres). Rezone from Maricopa County Rural-43 to City of Mesa R1-43. For the establishment of City of Mesa zoning on recently annexed property. Williams Gateway Airport Authority, owner; City of Mesa, applicant.

Comments: Dorothy Chimel, Principal Planner, stated that this parcel has the same type of configuration as seen in the previous case, a strip annexation, which is now being annexed into the City; she added that it would comply with all City codes and standards.

The Planning Hearing Officer approved and recommends to the City Council **approval** of zoning case Z08-36 conditioned upon:

1. Compliance with all City development codes and regulations.
2. Future review of development per Zoning Ordinance requirements.

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MINUTES OF THE JUNE 5, 2008 PLANNING HEARING OFFICER HEARING

Item: **510 North Horne – Riggs Circle Condominiums (District 1)**. North of University Drive and west of North Horne. To allow for the individual ownership of condominium units. Consider the preliminary plat for "Riggs Circle Condominiums", a residential condominium project. Riggs Circle Inc. – David Fromberg, President, owner; Wayne Rosendahl, Rosendahl Millet & Associates, applicant.

Comments: Dorothy Chimel, Principal Planner, gave a brief history of the site and added that this is an administrative process to have the preliminary plat approved prior to moving forward to the Subdivision Technical Review Committee. She mentioned that staff did a site visit and replacement of dead/dying landscaping should be achieved prior to the recordation of a subdivision plat. She explained that the conditions of approval would ensure that all City standards would be met as it moves forward.

PHO Petrie commented that this site was developed prior to the effective date of the Landscape Ordinance and although it's not required, there are provisions in the property maintenance Code, which requires that all landscape areas be maintained.

The Planning Hearing Officer **approved** the preliminary plat of "Riggs Circle Condominiums", conditioned upon:

1. Replace all dead/dying landscaping prior to recordation of the subdivision plat.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Subdivision Technical Review Committee.

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Respectfully submitted,

John Wesley, Secretary
Planning Director

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